

### **REMARKS**

Claims 35-70 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Regarding claims 35 and 57, the Examiner states that it is unclear what embodiment is being claimed. The Examiner continues that the plurality of teeth of the embodiment in Figure 8 are not integrated since the inner portion which comprises the teeth comprise a plurality of portions, and the plurality of teeth in the embodiment of Figures 4-6 are integrated.

The plurality of teeth in the embodiment of Figure 8 are integrated. Figures 8A to 10 show the assembly of the stepchain links 230. Figures 8A and 8B show the assembly of inner portions 262. As shown in Figures 8C, 8D, 8E, 9 and 10, the stepchain links 230 include an outer portion 272 including a bottom surface 278 having a plurality of teeth 232 that are integrated. The inner portions 262 do not include the claimed plurality of teeth; instead, the bottom portion 278 of the outer portion 272 includes the integrated plurality of teeth 232 (shown as integrated in Figure 9). The claimed invention is supported by both sets of Figures. However, the specification has been amended to recite that the plurality of teeth 232 are made of an integrated piece of material to clarify this recitation. Support for this amendment is found in Figure 9 and the claims.

Claims 35-38, 40, 43, 44, 47-51, 53-55 and 57-70 are rejected under 35 U.S.C. 102(b) as being anticipated by, or in the alternative under 35 U.S.C. 103(a), *Kraft* (US 3,682,289) or *Boltrek* (US 3,677,388). Claim 35 has been amended to recite that the plurality of teeth are made of a single piece of material as recited in claim 56, overcoming the rejection directed to claims 35-38, 40, 43, 44, 47-51 and 53-55.

Claims 57-70 are also not anticipated by *Kraft*. *Kraft* does not disclose an inner portion adapted to carry tensile loads and a distinct outer portion that does not carry tensile loads. The Examiner states that the linkages 23 are an inner portion that carries the tensile loads, while the projections 25 are an outer portion that does not carry the tensile loads. In *Kraft*, the linkages 23 are constructed of laminations of steel stamping having projections 25 that are stacked together to form teeth (column 2, lines 42 to 48, Figures 2 and 3). During use of the moving stairway, a step axle 9 provides a tensile load on all the laminations of the linkages 23. Therefore, all parts of the linkages 23, including the projections 25, are subject to a tensile load as the projections 25 are part of the linkages 23. The claimed invention is not anticipated by *Kraft*.

Claims 57-70 are also not anticipated by *Boltrek*. *Boltrek* does not disclose an inner portion adapted to carry tensile loads and a distinct outer portion that does not carry tensile loads. *Boltrek* discloses an endless belt 9 including toothed links 13. As shown in Figure 3, the toothed links 13 are constructed of plates of material that appear to be stacked together. During use of the moving stairway, an axle provides tensile loads on all the sheets of the toothed links 13. Therefore, all parts of the toothed links 13 are subject to tensile loads. The claimed invention is not anticipated by *Boltrek*.

Claims 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Kraft*. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Kraft* in view of *Nakatani* (US 5,779,583). Claims 39 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Kraft* in view of *Nakatani* and *Tanigawa* (US 6,213,278). Claim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Kraft* in view of *Green* (US 5,520,585). Claims 39, 41, 42, 45, 46 and 52 depend on claim 35, which has been amended to include the features of claim 56, which is not rejected in view of these references. The rejections have been overcome.

Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Kraft* in view of *Harrison*. The Examiner states that *Kraft* does not disclose that the plurality of teeth are made of a single piece of material. The Examiner states that *Harrison* teaches a plurality of teeth made of a single piece of material for the purpose of providing a structure that is easier to fabricate. The Examiner continues that it would have been obvious to make the plurality of teeth of *Kraft* of a single piece of material to provide a structure that is easier to fabricate. Applicant respectfully disagrees.

In *Kraft*, the projections 25 of the linkages 23 are not made of a single piece of material; instead, the projections 25 are made of several individual laminations that are not integrated or made of a single piece of material (see, e.g., column 2, lines 46-47). *Kraft* specifically discloses that the linkages 23 are formed of a plurality of laminations. The separate laminations expressly used in *Kraft* make it impossible for the projections 25 to be made of a single piece of material, and therefore the proposed combination cannot result in Applicant's claimed invention. There is no reason or motivation to form the linkages 23 of a single piece of material as this would go against the express teachings of *Kraft*. That is, as the linkages 23 of *Kraft* are formed of laminations, it is not possible to form the linkages 23 or the projections 25 of a single piece of material without going directly contrary to *Kraft*'s express teachings. Such a modification cannot

be made. The claimed invention is not obvious, and Applicant respectfully requests that the rejection be withdrawn.

No additional fees are seen to be required. Fees in the amount of \$50.00 (one additional dependent claim) are paid by Credit Card. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

Respectfully Submitted,

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